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BY HAND DELIVERY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Chen et al.

Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: January 14, 2000

Examiner: To Be Assigned

For: COMBINATION THERAPY OF
CANCER BY THE ACTIVATION
OF CO-STIMULATORY
MOLECULES EXPRESSED BY
IMMUNE CELLS AND
CYTOKINES

Attorney Docket No.: 6923-084

**PETITION UNDER 37 C.F.R. § 1.10(e) TO BE
ACCORDED A FILING DATE AS OF THE DATE OF DEPOSIT**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

In accordance with Rule 10(e) of the Rules of Practice, Applicants hereby petition for a filing date as of the date of deposit of the above-identified application with the United States Postal Service, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US. This petition is being filed promptly after Applicants' representatives have become aware that the United States Patent and Trademark Office has no evidence of receipt of the above-identified application.

Applicants' representatives deposited the following documents (referred to herein as "the above-identified application") with the United States Postal Service on January 14, 2000, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US:

- (1) a return postcard ("Post-Card Receipt"), which on one side had an itemized list of the papers mailed on January 14, 2000, and Express Mail Label No. EM 061 023 892 US;
- (2) a Utility Patent Application Transmittal, showing the Express Mail Label No. as EM 061 023 892 US;

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- (3) an Application Fee Transmittal Form (in duplicate), showing the Express Mail Label No. as EM 061 023 892 US;
- (4) a Utility Patent Application (48 pages including the abstract), showing the Express Mail Label No. as EM 061 023 892 US;
- (5) an unexecuted Declaration and Power of Attorney; and
- (6) Figures 1-9 on 9 sheets.

A true copy of each of these documents as originally deposited with the United States Postal Service on January 14, 2000, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US is attached hereto as Exhibit A (numbered as set forth above).

In support of the fact that the above-identified application was deposited with the United States Postal Service on January 14, 2000, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US stamped as received by the Post Office, enclosed herewith is a true copy of Express Mail Label No. EM 061 023 892 US (attached hereto as Exhibit B) showing the Post Office annotations "date-in" as January 14, 2000 and the "time-in" as 1902. Also in support of this Petition, enclosed is a copy of our log of Express Mail Certification for January 14, 2000 (attached hereto as Exhibit C), indicating that the above-identified application was deposited with the United States Postal Service on that date, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US. The documents corresponding to other unrelated matters that were deposited with the United States Postal Service on January 14, 2000, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US have been redacted.

Also in support of this Petition, enclosed is a statement (attached hereto as Exhibit D) by Ismael Mercado, an employee of the Records & Docketing Department of Pennie & Edmonds LLP, stating that he deposited the above-identified application with the United States Postal Service on January 14, 2000 at 1902, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US, and declaring that the enclosed copies of the "Express Mail" mailing label and the Pennie & Edmonds' log Express Mail Certification for January 14, 2000 are true copies of the original documents. Further, in support of this Petition, enclosed is a statement by Jennifer J. Chheda (attached hereto as Exhibit E) stating that she copied the above-identified application, counted the pages of the original application and its copy, put the copy of the original application in the

Pennie & Edmonds file, and hand delivered the original application to the Records & Docketing Department at Pennie & Edmonds. In her statement, Jennifer Chheda declares that an exact copy of the application of the documents in the Pennie & Edmonds' file are provided with this petition.

As evidenced by the above, Applicants respectfully submit that the above-identified application was deposited with the United States Postal Service on January 14, 2000, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US. Accordingly, Applicants respectfully request that the above-identified application be accorded a filing date of January 14, 2000.

It is believed that there is no fee required for Applicants' request to be accorded a filing date as of the date of deposit of the above-identified application with the United States Postal Service. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: July 31, 2000

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036-2711
(212) 790-9090

Enclosures

by Margaret B. Rowan
Reg. No. 40,922

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EXPRESS MAIL NO.: EM 061 023 892 US

First Class Mail ()

Date Mailed: January 14, 2000
Serial No.: Not Yet Assigned
Filed: January 14, 2000
Inventor(s): Chen et al.
For: COMBINATION THERAPY OF CANCER BY THE ACTIVATION
OF CO-STIMULATORY MOLECULES EXPRESSED BY IMMUNE
CELLS AND CYTOKINES

ed _____

The stamp of the Patent Office hereon shall be taken as an
acknowledgment of the date stamped of the following:

Utility Patent Application Transmittal
Application Fee Transmittal Form (in duplicate)
Utility Patent Application (48 pages including Abstract)
Figures 1-8 (9 sheets)
Unexecuted Declaration and Power of Attorney (2 sheets)

File No. 6923-084-999

Sender: LAC/JJC

File No. _____ Sender _____

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Attorney Docket No.: 6923-084

**STATEMENT BY THE PERSON WHO DEPOSITED THE
DOCUMENTS WITH THE UNITED STATES POSTAL SERVICE**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

I, Ismael Maldonado, an employee in the Records & Docketing Department of Pennie & Edmonds LLP, hereby state that I received the following documents (referred to herein as "the above-identified application") on January 14, 2000:

- (1) a return postcard ("Post-Card Receipt"), which on one side had an itemized list of the papers mailed on January 14, 2000, and Express Mail Label No. EM 061 023 892 US;
- (2) an unexecuted Declaration and Power of Attorney;
- (3) a Utility Patent Application Transmittal, showing the Express Mail Label No. as EM 061 023 892 US;
- (4) an Application Fee Transmittal Form (in duplicate), showing the Express Mail Label No. as EM 061 023 892 US;
- (5) a Utility Patent Application (48 pages including the abstract), showing the Express Mail Label No. as EM 061 023 892 US; and
- (6) Figures 1-9 on 9 sheets.

I hereby state that I listed those documents in the Pennie & Edmonds LLP log of Express Mail Certification for January 14, 2000, I signed the Express Mail Certification for January 14, 2000, and I deposited those documents with the United States Postal Service on January 14, 2000 at 1902, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EM 061 023 892 US.

I hereby declare that the copies of the "Express Mail" mailing label and Pennie & Edmonds LLP log of Express Mail Certification for January 14, 2000 accompanying the Petition Under 37 C.F.R. § 1.10(e) To Be Accorded A Filing Date As Of The Date Of Deposit are true copies of these documents.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 31, 2000
Date

Ismael Maldonado
Ismael Maldonado

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**STATEMENT BY THE PERSON WHO DELIVERED
THE DOCUMENTS TO RECORDS & DOCKETING FOR
DEPOSIT WITH THE UNITED STATES POSTAL SERVICE**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

I, Jennifer J. Chheda, a law clerk at Pennie & Edmonds LLP, hereby state that I copied the documents listed below (referred to herein as "the above-identified application") and counted the pages of both the original documents listed below and the copies.

- (1) a return postcard ("Post-Card Receipt"), which on one side had an itemized list of the papers mailed on January 14, 2000, and Express Mail Label No. EM 061 023 892 US;
- (2) an unexecuted Declaration and Power of Attorney;
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(6) Figures 1-9 on 9 sheets.

I hereby state that I hand delivered the original documents to the Records & Docketing Department at Pennie & Edmonds with the understanding that the documents would be deposited with the United States Postal Service on January 14, 2000, using "Express Mail Post Office to Addressee" service under Express Mail No. EM 061 023 892 US. Further, I hereby state that I put the copies of the original documents into the Pennie & Edmonds' file and that an exact copy of the documents in the Pennie & Edmonds' file are provided concomitantly with the Petition Under 37 C.F.R. § 1.10(e) To Be Accorded A Filing Date As Of The Date Of Deposit as Exhibit A.

I hereby declare that the copy of the above-identified application accompanying the Petition Under 37 C.F.R. § 1.10(e) To Be Accorded A Filing Date As Of The Date Of Deposit is a true copy of the originally mailed documents.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 31, 2000
Date

Jennifer J. Chheda
Jennifer J. Chheda